

**MEMORANDUM
OFFICE OF THE GOVERNOR
ARNOLD SCHWARZENEGGER**



To: State Agencies, Departments, Boards, Commissions, and Offices

From: Andrea Lynn Hoch, Legal Affairs Secretary

Date: April 12, 2006

Re: Executive Order S-03-06

Executive Order S-03-06 (the "Order") requires executive departments, agencies, boards, commissions, and offices to take certain steps to ensure compliance with the Public Records Act. The purpose of this memorandum is to provide you with information about how to comply with the Order.

All Executive Bodies Should Have Written Accessibility Guidelines

The Public Records Act requires certain executive bodies to develop written guidelines regarding the accessibility of public records. (Gov. Code § 6253.4.) The Order goes further than the law, and requires ***all*** executive bodies under the Governor's supervisory authority to develop such guidelines. Thus, the Order extends the "written guideline" requirement of Government Code section 6253.4 to all California executive bodies. Because of the Order, many executive bodies will need to develop written guidelines for the first time.

For your reference, I have included a draft copy of the written guidelines for the Governor's Office.

Designation of Staff

The Order requires each body to designate staff members who will have responsibility for responding to Public Records Act requests. Some entities will need to designate staff members in more than one place, to ensure that there is coverage in each branch office where requests are received.

It is important to designate staff members by both name and position, so that responsibilities are not dropped as a result of staff turnover.

Each entity may decide whom to designate and train, but most entities will likely designate a person to coordinate responses, and other staff members to assist in gathering responsive documents. Front office staff members should also be designated and trained, because they deal with the public. You should also consider designating back-up personnel to handle requests that arrive when the primary contact is absent.

Training

The form of the training is left to the discretion of each executive body. The training may occur in person, or it may occur remotely when necessary because of distance. The training should cover the basic requirements of the Public Records Act, and should also include practical guidance on what to do when a member of the public makes a records request.

Certification

The Order requires that each executive body certify compliance with the Order by April 28, 2006. The certification should be sent to:

Andrea Lynn Hoch
Legal Affairs Secretary
Office of Governor Arnold Schwarzenegger
Sacramento, California 95814

The Order does not require that the certification take any particular form. However, it would be helpful if your certification includes (1) a listing by name and position of the staff members who have responsibility for responding to Public Records Act requests, (2) a certification that those staff members have been trained, (3) a certification that your entity has adopted or updated its written guidelines regarding accessibility to public records, and (4) a copy of your written guidelines.

As new employees are hired, we expect that you will provide them with the same training that you are now providing to your current employees. However, the certification only needs to be submitted once, by April 28, 2006.

If you have any questions regarding this memorandum or compliance with the Order, please contact Deputy Legal Affairs Secretary Dan Maguire at (916) 445-0873.